

ESB 5423 - H AMD TO TR COMM AMD (H-2917.2/05) **464**
By Representative Ericksen

FAILED 04/12/2005

1 Beginning on page 1, line 3 of the committee amendment, strike the
2 remainder of the amendment and insert the following:

3 "NEW SECTION. **Sec. 1.** A new section is added to chapter 46.16 RCW
4 to read as follows:

5 (1) The following special license plate series created by the
6 legislature may be personalized: (a) RCW 46.16.301 as currently law;
7 (b) RCW 46.16.301(1) (a), (b), or (c), as it existed before amendment
8 by section 5, chapter 291, Laws of 1997; (c) RCW 46.16.305, except
9 those plates issued under RCW 46.16.305 (1) and (2); (d) RCW 46.16.324;
10 (e) RCW 46.16.385; or (f) RCW 46.16.745.

11 (2) Personalized special plates issued under this section may be
12 personalized only by using numbers or letters, or any combination
13 thereof not exceeding seven positions, and not less than one position,
14 to the extent that there are no conflicts with existing license plate
15 series. A personalized special license plate is subject to the same
16 requirements as personalized license plates listed in RCW 46.16.575,
17 46.16.580, 46.16.590, 46.16.595, and 46.16.600.

18 (3) In addition to any other fees and taxes due at the time of
19 registration, applicants for a personalized special license plate must
20 pay both the fees to purchase and renew a special plate as set out in
21 the statute creating the special plate and the personalized plate as
22 required in RCW 46.16.585 and 46.16.606. The special plate fee must be
23 distributed in accordance with the requirements set out in the statute
24 creating the special plate. The personalized plate fee must be
25 distributed under RCW 46.16.605 and 46.16.606. The transfer of
26 personalized special plates is to be administered under RCW 46.16.316.

27 **Sec. 2.** RCW 46.16.233 and 2003 c 361 s 501 and 2003 c 196 s 401
28 are each reenacted and amended to read as follows:

29 (1) Except for those license plates issued under RCW 46.16.305(1)

1 before January 1, 1987, under RCW 46.16.305(3), and to commercial
2 vehicles with a gross weight in excess of twenty-six thousand pounds,
3 effective with vehicle registrations due or to become due on January 1,
4 2001, the appearance of the background of all vehicle license plates
5 may vary in color and design but must be legible and clearly
6 identifiable as a Washington state license plate, as designated by the
7 department. Additionally, to ensure maximum legibility and
8 reflectivity, the department shall periodically provide for the
9 replacement of license plates, except for commercial vehicles with a
10 gross weight in excess of twenty-six thousand pounds. Frequency of
11 replacement shall be established in accordance with empirical studies
12 documenting the longevity of the reflective materials used to make
13 license plates.

14 (2) Special license plate series approved by the (~~special license~~
15 ~~plate review board created under RCW 46.16.705~~) department and enacted
16 by the legislature may display a symbol or artwork approved by the
17 (~~special license plate review board~~) department.

18 (3) By November 1, 2003, in providing for the periodic replacement
19 of license plates, the department shall offer to vehicle owners the
20 option of retaining their current license plate numbers. The
21 department shall charge a retention fee of twenty dollars if this
22 option is exercised. Revenue generated from the retention fee must be
23 deposited into the multimodal transportation account.

24 **Sec. 3.** RCW 46.16.316 and 2004 c 223 s 4, 2004 c 221 s 5, 2004 c
25 48 s 5, and 2004 c 35 s 5 are each reenacted and amended to read as
26 follows:

27 Except as provided in RCW 46.16.305:

28 (1) When a person who has been issued a special license plate or
29 plates: (a) Under RCW 46.16.30901, 46.16.30903, 46.16.30905, or
30 46.16.301 as it existed before amendment by section 5, chapter 291,
31 Laws of 1997, or under RCW 46.16.305(2) or 46.16.324; (~~or~~) (b)
32 approved by the (~~special license plate review board~~) department under
33 RCW 46.16.715 through 46.16.775; or (c) under section 1 of this act
34 sells, trades, or otherwise transfers or releases ownership of the
35 vehicle upon which the special license plate or plates have been
36 displayed, he or she shall immediately report the transfer of such
37 plate or plates to an acquired vehicle or vehicle eligible for such

1 plates pursuant to departmental rule, or he or she shall surrender such
2 plates to the department immediately if such surrender is required by
3 departmental rule. If a person applies for a transfer of the plate or
4 plates to another eligible vehicle, a transfer fee of ten dollars shall
5 be charged in addition to all other applicable fees. Such transfer
6 fees shall be deposited in the motor vehicle fund. Failure to
7 surrender the plates when required is a traffic infraction.

8 (2) If the special license plate or plates issued by the department
9 become lost, defaced, damaged, or destroyed, application for a
10 replacement special license plate or plates shall be made and fees paid
11 as provided by law for the replacement of regular license plates.

12 **Sec. 4.** RCW 46.16.385 and 2004 c 222 s 1 are each amended to read
13 as follows:

14 (1) The department shall design and issue disabled parking emblem
15 versions of special license plates issued under (a) RCW 46.16.301; (b)
16 RCW 46.16.305, except those plates issued under RCW 46.16.305 (1) and
17 (2); (c) RCW 46.16.324; (d) RCW 46.16.745; (e) RCW 73.04.110; (f) RCW
18 73.04.115; ~~((e))~~ (g) RCW 46.16.301(1) (a), (b), or (c), as it existed
19 before amendment by section 5, chapter 291, Laws of 1997; (h) RCW
20 46.16.565; or (i) plates issued under section 1 of this act. The
21 disabled parking emblem version of the special plate must display the
22 universal symbol of access that may be used in lieu of the parking
23 placard issued to persons who qualify for special parking privileges
24 under RCW 46.16.381. The department may not charge an additional fee
25 for the issuance of the special disabled parking emblem license plate,
26 except the regular motor vehicle registration fee, the fee associated
27 with the particular special plate, and any other fees and taxes
28 required to be paid upon registration of a motor vehicle. The emblem
29 must be incorporated into the design of the special license plate in a
30 manner to be determined by the department, and under existing vehicular
31 licensing procedures and existing laws.

32 (2) Persons who qualify for special parking privileges under RCW
33 46.16.381, and who have applied and paid the appropriate fee for any of
34 the special license plates listed in subsection (1) of this section,
35 are entitled to receive from the department a special disabled parking
36 emblem license plate. The special disabled parking emblem license
37 plate may be used for one vehicle registered in the disabled person's

1 name. Persons who have been issued the parking privileges or who are
2 using a vehicle displaying the special disabled parking emblem license
3 plate may park in places reserved for mobility disabled persons.

4 (3) The special disabled parking emblem license plate must be
5 administered in the same manner as the plates issued under RCW
6 46.16.381.

7 (4) The department shall adopt rules to implement this section.

8 **Sec. 5.** RCW 46.16.570 and 1986 c 108 s 1 are each amended to read
9 as follows:

10 Except for personalized plates issued under section 1 of this act,
11 the personalized license plates shall be the same design as regular
12 license plates, and shall consist of numbers or letters, or any
13 combination thereof not exceeding seven positions unless proposed by
14 the department and approved by the Washington state patrol and not less
15 than one position, to the extent that there are no conflicts with
16 existing passenger, commercial, trailer, motorcycle, or special license
17 plates series or with the provisions of RCW 46.16.230 or 46.16.235:
18 PROVIDED, That the maximum number of positions on personalized license
19 plates for motorcycles shall be designated by the department.

20 **Sec. 6.** RCW 46.16.600 and 1979 c 158 s 143 are each amended to
21 read as follows:

22 (1) The director of licensing may establish such rules and
23 regulations as may be necessary to carry out the purposes of RCW
24 46.16.560 through 46.16.595.

25 (2) The department shall adopt a rule limiting the ability of
26 organizations and governmental entities to apply for more than one
27 license plate series.

28 **Sec. 7.** RCW 46.16.690 and 2003 c 361 s 502 are each amended to
29 read as follows:

30 The department shall offer license plate design services to
31 organizations that are sponsoring a new special license plate series or
32 are seeking to redesign the appearance of an existing special license
33 plate series that they sponsored. In providing this service, the
34 department must work with the requesting organization in determining
35 the specific qualities of the new plate design and must provide full

1 design services to the organization. The department shall collect from
2 the requesting organization a fee of (~~one thousand five~~) two hundred
3 dollars for providing license plate design services. This fee includes
4 one original license plate design and up to five additional renditions
5 of the original design. If the organization requests the department to
6 provide further renditions, in addition to the five renditions provided
7 for under the original fee, the department shall collect an additional
8 fee of (~~five~~) one hundred dollars per rendition. All revenue
9 collected under this section must be deposited into the multimodal
10 transportation account.

11 **Sec. 8.** RCW 46.16.725 and 2003 c 196 s 103 are each amended to
12 read as follows:

13 (1) (~~The creation of the board does not in any way preclude the~~
14 ~~authority of the legislature to independently propose and enact special~~
15 ~~license plate legislation.~~

16 ~~(2)~~) The (~~board~~) department must review and either approve or
17 reject special license plate applications submitted by sponsoring
18 organizations. In reviewing special license plate applications, the
19 department shall:

20 (~~(3) Duties of the board include but are not limited to the~~
21 ~~following~~)

22 (a) Review and approve the annual financial reports submitted by
23 sponsoring organizations with active special license plate series and
24 present those annual financial reports to the legislative
25 transportation committee;

26 (b) Report annually to the legislative transportation committee on
27 the special license plate applications that were considered by the
28 (~~board~~) department;

29 (c) Issue approval and rejection notification letters to sponsoring
30 organizations, (~~the department,~~) the chairs of the senate and house
31 of representatives transportation committees, and the legislative
32 sponsors identified in each application. The letters must be issued
33 within seven days of making a determination on the status of an
34 application;

35 (d) Review annually the number of plates sold for each special
36 license plate series created after January 1, 2003. The (~~board~~)

1 department may submit a recommendation to discontinue a special plate
2 series to the chairs of the senate and house of representatives
3 transportation committees;

4 (e) Adopt rules necessary to limit the number of special license
5 plates that an organization or a governmental entity may apply for.

6 (2) In order to assess the effects and impact of the proliferation
7 of special license plates, the legislature declares a temporary
8 moratorium on the issuance of any additional plates until June 1, 2007.
9 During this period of time, the department of licensing is prohibited
10 from accepting, reviewing, processing, or approving any applications.
11 Additionally, no special license plate may be enacted by the
12 legislature during the moratorium, unless the proposed license plate
13 has been approved by the special license plate review board before
14 February 15, 2005.

15 **Sec. 9.** RCW 46.16.745 and 2003 c 196 s 301 are each amended to
16 read as follows:

17 (1) A sponsoring organization meeting the requirements of RCW
18 46.16.735, applying for the creation of a special license plate to the
19 (~~special license plate review board~~) department must, on an
20 application supplied by the department, provide the minimum application
21 requirements in subsection (2) of this section. (~~If the sponsoring~~
22 ~~organization cannot meet the payment requirements of subsection (2) of~~
23 ~~this section, then the organization must meet the requirements of~~
24 ~~subsection (3) of this section.))~~

25 (2) The sponsoring organization shall:

26 (a) Submit prepayment of all start-up costs associated with the
27 creation and implementation of the special license plate in an amount
28 determined by the department. The department shall place this money
29 into the special license plate applicant trust account created under
30 RCW 46.16.755(~~(+3)~~) (4);

31 (b) Provide a proposed license plate design;

32 (c) Provide a marketing strategy outlining short and long-term
33 marketing plans for (~~the~~) each special license plate and a financial
34 analysis outlining the anticipated revenue and the planned expenditures
35 of the revenues derived from the sale of the special license plate;

36 (d) Provide a signature of a legislative sponsor and proposed
37 legislation creating the special license plate; (~~and~~)

1 (e) Provide proof of organizational qualifications as determined by
2 the department as provided for in RCW 46.16.735;

3 (f) Provide signature sheets that include signatures from
4 individuals who intend to purchase the special license plate and the
5 number of plates each individual intends to purchase. The sheets must
6 reflect a minimum of three thousand five hundred intended purchases of
7 the special license plate.

8 ~~(3) ((If the sponsoring organization is not able to meet the~~
9 ~~payment requirements of subsection (2)(a) of this section and can~~
10 ~~demonstrate this fact to the satisfaction of the department, the~~
11 ~~sponsoring organization shall:~~

12 ~~(a) Submit an application and nonrefundable fee of two thousand~~
13 ~~dollars, for deposit in the motor vehicle account, to the department;~~

14 ~~(b) Provide signature sheets that include signatures from~~
15 ~~individuals who intend to purchase the special license plate and the~~
16 ~~number of plates each individual intends to purchase. The sheets must~~
17 ~~reflect a minimum of two thousand intended purchases of the special~~
18 ~~license plate;~~

19 ~~(c) Provide a proposed license plate design;~~

20 ~~(d) Provide a marketing strategy outlining short and long term~~
21 ~~marketing plans for the special license plate and a financial analysis~~
22 ~~outlining the anticipated revenue and the planned expenditures of the~~
23 ~~revenues derived from the sale of the special license plate;~~

24 ~~(e) Provide a signature of a legislative sponsor and proposed~~
25 ~~legislation creating the special license plate; and~~

26 ~~(f) Provide proof of organizational qualifications as determined by~~
27 ~~the department as provided in RCW 46.16.735.~~

28 ~~(4))~~ After an application is approved by the ~~((special license~~
29 ~~plate review board))~~ department, the application need not be reviewed
30 again by the ~~((board))~~ department for a period of three years.

31 **Sec. 10.** RCW 46.16.755 and 2004 c 222 s 4 are each amended to read
32 as follows:

33 (1)(a) Revenues generated from the sale of special license plates
34 for those sponsoring organizations who used the application process in
35 RCW 46.16.745(3) must be deposited into the motor vehicle account until
36 the department determines that the state's implementation costs have

1 been fully reimbursed. The department shall apply the application fee
2 required under RCW 46.16.745(3)(a) towards those costs.

3 (b) When it is determined that the state has been fully reimbursed
4 the department must notify the house of representatives and senate
5 transportation committees, the sponsoring organization, and the
6 treasurer, and commence the distribution of the revenue as otherwise
7 provided by law.

8 (2) If reimbursement does not occur within two years from the date
9 the plate is first offered for sale to the public, the special license
10 plate series must be placed in probationary status for a period of one
11 year from that date. If the state is still not fully reimbursed for
12 its implementation costs after the one-year probation, the plate series
13 must be discontinued immediately. Special plates issued before
14 discontinuation are valid until replaced under RCW 46.16.233.

15 (3) The special license plate applicant trust account is created in
16 the custody of the state treasurer. All receipts from special license
17 plate applicants, except the application fee as provided in RCW
18 46.16.745(3), must be deposited into the account. Only the director of
19 the department or the director's designee may authorize disbursements
20 from the account. The account is not subject to the allotment
21 procedures under chapter 43.88 RCW, nor is an appropriation required
22 for disbursements.

23 (4) The department shall provide the special license plate
24 applicant with a written receipt for the payment.

25 (5) The department shall maintain a record of each special license
26 plate applicant trust account deposit, including, but not limited to,
27 the name and address of each special license plate applicant whose
28 funds are being deposited, the amount paid, and the date of the
29 deposit.

30 (6) After the department receives written notice that the special
31 license plate applicant's application has been:

32 (a) Approved by the legislature the director shall request that the
33 money be transferred to the motor vehicle account;

34 (b) Denied by the (~~special license plate review board~~) department
35 or the legislature the director shall provide a refund to the applicant
36 within thirty days; or

37 (c) Withdrawn by the special license plate applicant the director
38 shall provide a refund to the applicant within thirty days.

1 **Sec. 11.** RCW 46.16.775 and 2003 c 196 s 304 are each amended to
2 read as follows:

3 (1) A special license plate series created by the legislature after
4 January 1, 2004, that has not been reviewed and approved by the special
5 license plate review board or the department is subject to the
6 following requirements:

7 (a) The organization sponsoring the license plate series shall,
8 within thirty days of enactment of the legislation creating the plate
9 series, submit prepayment of all start-up costs associated with the
10 creation and implementation of the special license plate in an amount
11 determined by the department. The prepayment will be credited to the
12 motor vehicle fund. The creation and implementation of the plate
13 series may not commence until payment is received by the department.

14 (b) If the sponsoring organization is not able to meet the
15 prepayment requirements in (a) of this subsection and can demonstrate
16 this fact to the satisfaction of the department, the revenues generated
17 from the sale of the special license plates must be deposited in the
18 motor vehicle account until the department determines that the state's
19 portion of the implementation costs have been fully reimbursed. When
20 it is determined that the state has been fully reimbursed the
21 department must notify the treasurer to commence distribution of the
22 revenue according to statutory provisions.

23 (c) The sponsoring organization must provide a proposed license
24 plate design to the department within thirty days of enactment of the
25 legislation creating the plate series.

26 (2) The state must be reimbursed for its portion of the
27 implementation costs within two years from the date the new plate
28 series goes on sale to the public. If the reimbursement does not occur
29 within the two-year time frame, the special license plate series must
30 be placed in probationary status for a period of one year from that
31 date. If the state is still not fully reimbursed for its
32 implementation costs after the one-year probation, the plate series
33 must be discontinued immediately. Those plates issued before
34 discontinuation are valid until replaced under RCW 46.16.233.

35 (3) If the sponsoring organization ceases to exist or the purpose
36 of the special plate series ceases to exist, revenues generated from
37 the sale of the special license plates must be deposited into the motor
38 vehicle account.

1 (4) A sponsoring organization may not seek to redesign their plate
2 series until all of the existing inventory is sold or purchased by the
3 organization itself. All cost for redesign of a plate series must be
4 paid by the sponsoring organization.

5 NEW SECTION. **Sec. 12.** The following acts or parts of acts are
6 each repealed:

7 (1) RCW 46.16.705 (Special license plate review board--Created) and
8 2003 c 196 s 101; and

9 (2) RCW 46.16.715 (Board--Administration) and 2003 c 196 s 102.

10 NEW SECTION. **Sec. 13.** Section 1 of this act takes effect March 1,
11 2007."

12 Correct the title.

EFFECT: Eliminates the special license plate review board.
Transfers the duties of the board to the department of licensing, who
currently staffs the board.

--- END ---